

REMARKS

In accordance with the foregoing, claims 1-2 and 5-18 have been cancelled. New claim 26 is added. Claims 3-4 and 19-26 are pending and under consideration.

Regarding the statutory double patenting rejection, as previously argued, it is respectfully submitted that identical inventions are not claimed in the separate applications. For example, present claim 3 recites rotating the at least one kneading drum slowly. However, this feature is not specifically recited in U.S. 10/805,312. Also, claim 1 of U.S. 10/805,312 recites a range in which the holder of the upper kneading drum faces frontward. However, this feature is not specifically recited in the present claims.

Regarding the obviousness-type provisional double patenting rejections, Applicants note that arguments regarding the allowability of claims 3-4 and 19-22 follow and as such will wait to see if these arguments nullify the double patenting rejections before filing a terminal disclaimer.

The rejection based on Lee is respectfully traversed. Independent claim 3 recites controlling the drum driver and thereby rotating the at least one kneading drum slowly, at a predetermined position before approaching a turning position of the at least one kneading drum based on the rotated position sensed by the rotation sensing part, by decreasing rotation torque of the at least one kneading drum.

In the Response to Arguments portion of the Office Action, the Examiner states that "the claimed structural limitations have been met by the prior reference." It is noted that claim 3 is directed to a method, and therefore it is submitted that the Examiner must consider the operational features of the claim, and cannot merely assert that the claims have the same structure.

The Examiner also asserts that the controller of Lee is programmable and provides control of the kneading drum, and the speed at which the drum is rotated can also be controlled with the proper programming. It thus appears that the Examiner's position is that any controlling of the speed of the drum of Lee is anticipated by this reference. However, it is noted that claim 3 does not recite controlling in general, but a particular controlling operation. This claimed controlling operation is not taught in Lee, and therefore is not anticipated by this reference. Insofar as the Examiner applies similar rationale for the rejection under WO '100, this reference is similarly deficient.

Accordingly, withdrawal of the rejections is requested.

Serial No. 10/805,350

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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